

# DRAFT

## RESOLUTION LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION

**WHEREAS**, the Los Angeles County Airport Land Use Commission (ALUC) met publicly on September 11, 2013 to discuss the appeals submitted by Culver City, the City of Ontario and County of San Bernardino regarding impasses that have resulted between the appellants and the City of Los Angeles over approval of the General Plan amendments and the Los Angeles International Airport Specific Plan Amendment Study (LAX SPAS) project.

**WHEREAS**, the Commission finds as follows:

1. The State Aeronautics Act (Act), Section 21670, et seq. of the California Public Utilities Code (PUC) requires every county in which there is an airport served by a scheduled airline to establish an airport land use commission.
2. Pursuant to Section 21670.2 of the PUC, the Los Angeles County Regional Planning Commission has the responsibility for acting as the ALUC for Los Angeles County and thereby coordinating the airport planning of public agencies within the County.
3. Section 21670.2 of the PUC also provides that in instances where impasses result relative to airport planning, an appeal may be made to the ALUC by any public agency involved.
4. According to Section 21670(a)(1) of the PUC, one purpose of the Act is to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
5. As described in Section 21670(a)(2) of the PUC, another purpose of the Act is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
6. The powers and duties of the ALUC are contained in Section 21674(b) of the PUC which identifies the ALUC's role in coordinating airport planning at the state, regional, and local levels as one to provide for the orderly

## DRAFT

development of air transportation, while at the same time protecting the public health, safety, and welfare.

7. The ALUC's review of an appeal primarily considers whether the airport planning being appealed is consistent with Article 3.5 of Chapter 4 of the Act (Section 21670 et seq. of the PUC). An appeal may be upheld by the ALUC if it finds that the information submitted by the appellant and/or presented at the public hearing substantiates that the airport planning proposed by the public agency whose planning led to the appeal is not consistent with the purposes of the Act. An appeal shall be denied when the ALUC finds that the information submitted by the appellant and/or presented at the public hearing substantiates that the proposed airport planning is consistent with the purposes of the Act.
8. Impasse appeals were received within 30 days of the date of the Los Angeles City Council's final decision on May 21, 2013 on the General Plan amendments and LAX SPAS, which is within the time limit established for receiving appeals by the ALUC, pursuant to the ALUC Review Procedures, Chapter 2, Section 5.2.2.
9. On June 27, 2013, the ALUC was sent the following material:
  - A resolution dated May 28, 2013 from Culver City confirming their consent to file the impasse appeal with ALUC, as required by ALUC Review Procedures, Section 5.3.1.
  - A resolution dated June 18, 2013 from the City of Ontario confirming their consent to file the impasse appeal with ALUC, as required by ALUC Review Procedures, Section 5.3.1.
  - A certification document, dated June 27, 2013 implying their consent to file the impasse appeal with ALUC, as required by ALUC Review Procedures, Section 5.3.1.
10. On September 11, 2013, the ALUC held a public hearing on the impasse matter filed by Culver City, the City of Ontario and the County of San Bernardino, which relates to the City of Los Angeles's decision to select one alternative for further study from the LAX SPAS project.
11. The impasse is between the appellants and the City of Los Angeles and concerns the City of Los Angeles's decision to approve the LAX SPAS project and select one alternative for further study. The LAX SPAS is a study that identifies an array of airport improvement options. Its purpose is to identify at a broad, conceptual level the benefits and drawbacks of various airport improvement options so that further detailed analysis may be narrowed to only those options that are viable. After analyzing nine alternatives and/or combinations thereof, the LAX SPAS concludes with

## DRAFT

one recommended solution. The reduction of options and focus on one alternative so early in the process is the basis for the impasse.

12. The significance of selecting one alternative at this early stage is not clear and has caused mistrust and confusion between land use planning agencies affected by the airport. The City of Los Angeles has not clearly articulated in their public documents how their process to select one alternative, and then to base future planning off that alternative, will affect the ability of a concerned local agency to remain part of the airport planning discussion. The lack of clarity and the possibility that fully analyzed future options may only be versions of the preferred alternative could result in land use agencies not being involved in future airport planning.
13. Airport land use compatibility planning cannot function in urban areas if airport planning does not include negotiation and coordination with surrounding jurisdictions concerning land use planning. When jurisdictions agree on activity and impact levels, and plan using the same assumptions, both take responsibility for minimizing the public's exposure to health and safety impacts from the airport.
14. Pursuant to Section 21670.2(a) of the PUC, the action taken by the ALUC on the impasse appeals may be overruled by a four-fifths vote of the Los Angeles City Council, the public agency whose planning led to the appeal.
15. The ALUC Review Procedures, Section 5.5 (ALUC's Possible Actions) provides the standard for action on an impasse appeal. That standard is whether the airport planning being appealed is consistent with the purposes of Article 3.5 of Chapter 4 of the Act (PUC Sections 21670-21679.5).

**NOW, THEREFORE, BE IT RESOLVED** that the ALUC:

**FOR AVIATION CASES RAV201300004 (APPEAL SUBMITTED BY CULVER CITY), RAV201300005 (APPEAL SUBMITTED BY THE CITY OF ONTARIO), AND RAV201300006 (APPEAL SUBMITTED BY THE COUNTY OF SAN BERNARDINO):**

1. Upholds the appeal because the airport planning process has not been made clear and selection of one alternative at this early stage in the process may preclude consideration of other solutions that minimize the public's exposure to excessive noise and safety hazards within areas around LAX. For this reason, the airport planning process is inconsistent with the intent of the Act, PUC Section 21670(a)(1).
2. Deny the request to reconsider the ALUC consistency determination of March 27,

## DRAFT

2013, which reviewed a series of plan amendments that the City of Los Angeles adopted as part of the LAX SPAS project for consistency with the Los Angeles County Airport Land Use Compatibility Plan (ALUCP,) because ALUC is not the appellant body for its own prior actions.

I hereby certify that the foregoing resolution was adopted by the Los Angeles County Airport Land Use Commission on September 11, 2013.

By \_\_\_\_\_  
Rosie O. Ruiz, Secretary  
Los Angeles County  
Airport Land Use Commission

APPROVED AS TO FORM:

OFFICE OF THE COUNTY COUNSEL

By \_\_\_\_\_

JILL M. JONES  
Principal Deputy County Counsel  
Property Division

JS:MC  
08/29/13